IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 298 OF 2006

Sana Rajkumar Sahu .. Petitioner

Vs.

Hemant Madhukar Prabhakar & Ors. .. Respondents

Shri Sanghraj D. Rupwate & Ravindra Amarsing Gulale for Petitioner.

P.R. Dave for Respondent No. 1 & 2.

Shri A.S. Shitole, APP.

CORAM: S.K. SHAH, J.

DATE : 3rd May, 2006.

P.C.

The learned counsels for Respondent Nos. 1 and 2 objects to the maintainability of the criminal writ petition submitting that against the order passed by the Sessions Judge discharging the Respondent No. 2 the revision would lie under section 397 of Criminal Procedure Code. Learned counsel for the Petitioner requests the petition be converted into criminal revision application and requests for placing the same before the regular court dealing revision application. Learned counsel for the Respondent No. 1 and 2 states that same should not be done as the writ petition has been filed after one year from the date of the order. Learned counsel for the Respondent states that while converting the petition into revision application the point of limitation is to be decided. As such the criminal writ petition shall be converted into criminal revision and shall be numbered accordingly and

placed before the proper Bench for consideration including the point of limitation. The learned counsel for the Petitioner seeks stay of the proceedings before the trial court as the matter is fixed for recording evidence on 15th May, 2006. Therefore the proceeding before the trial court shall have to be stayed till the decision of the Revision Application. Accordingly the proceeding is stayed till the revision is decided.

(S. K. SHAH, J)